

At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, November 3, 2014 at 5:45 P.M.

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Richard P. Adams

Councillor Bruce J. Long, arrives at 6:01 pm

Councillor Paul M. Rodrigues

Councillor M. Theresa Santos

Councillor Barbara A. VonVillas, Members Present

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations.

Vice President Sylvia noted that Councillor Santos requested a moment of silence to recognize and honor Veterans.

5:45 PM – EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Potential Litigation.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 5:47 pm.

Councillor Santos recused herself from executive session, due to a possible conflict of interest and left the session at 5:52 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 5:57 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to seal the executive session minutes pursuant to Section 42-46-7. RIGL.

6:00 PM - PRESENTATION

2.

Memorandum of Police Chief, re: Police Recognition Ceremony.

On motion of Vice President Sylvia, duly seconded, it was voted

unanimously to receive said memorandum and begin presentation.

Chief Anthony Pesare addressed the Council, noting that the Town will be presented with the Rhode Island Police Accreditation Commission State Award. Warwick Police Colonel Stephen McCartney, Chairman and Ms. Christine Crocker, Executive Director, both are representing the RI Police Accreditation Commission. Police Chief Pesare, Lt. Joanne Alboum, Officer David Hurst and Town Administrator Shawn Brown were recognized for their hard work and dedication to the accreditation process.

Chief Anthony Pesare recognized Lieutenant Robert S. Nutt, Lieutenant John T. Dring and Detective Walter C. Mey, Jr. for their retirements. Vice President Sylvia presented plaques of recognition for their service to the Town.

Chief Anthony Pesare announced the promotions of Sergeant Joanne T. Alboum to the rank of Lieutenant, Sergeant Jason M. Ryan to the rank of Lieutenant, Patrol Officer Clifford A. McGregor to the rank of Sergeant and Patrol Officer Scott C. Naso to the rank of Detective, all

were pinned by family members.

Chief Anthony Pesare introduced Probationary Police Officers Jennifer Lopez, Jonathan D. Gonzales and Brendan E. Behan, all sworn in by the Town Clerk and pinned by family members.

Senator Louis P. DiPalma presented a Senate Citation to Chief Anthony Pesare congratulating the department for achieving the CALEA Accreditation.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:25 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene at 7:00 pm.

PUBLIC FORUM

3. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.

No one spoke during this session.

Councillor Rodrigues requested that item #5 and Councillor Santos requested that item #11, be heard under the regular portion of the docket.

Councillor Santos recused herself from acting on item #10, due to a possible conflict of interest.

The Administration requests that items #6 and #7 be withdrawn.

CONSENT

4. Approval of Minutes, re: Regular Meeting, October 20, 2014.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve said minutes.

5. Memorandum of Finance Director thru Town Administrator, with enclosures, re: FY2015 Municipal Financial Report – Quarter ending September 30, 2014.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and report.

Councillor Rodrigues inquired about expenditures on the sewer.

Finance Director Lynne Dible, responding to Councillor Rodrigues, explained that the accrual from the NELC law suit was expensed over time.

6. Communication of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown residents.

Withdrawn by Administration.

7. Resolution of the Council, re: Cancellation of taxes for certain Middletown residents.

Withdrawn by Administration.

8.

Communication of Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown residents.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.

9. Resolution of the Council, re: Cancellation of taxes for certain Middletown residents.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.

10. Communication of William H. Nedderman, Jr., President, Middletown Historical Society, Inc., re: Appreciation for support.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.

11. Email response to Councillor Santos question on October 20, 2014, re: FY2015 Budgeted Collection Rate.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said email communication.

12. Application of Toby's LLC dba Toby's Sub Shop, 1397 West Main Road, for RENEWAL of a Victualling House License for the 2014-2015 licensing year.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license renewal.

OTHER COMMUNICATIONS

13.

Memorandum of Carol Formica, Middletown, re: Request to have street lights installed along Valley Road between Johnnycake Hill Boulevard to Aquidneck Avenue.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

Carol Formica, 21 Mast Court, thanked the Council for considering

her request to have lights installed along Valley Road between Johnnycake Hill Boulevard to Aquidneck Avenue.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to request the Town Administration to review and submit a recommendation.

14. Communication of Roberta Faria, Middletown, re: Request to discuss Boulevard Nurseries/Tibbets Farm Sports Complex plan – Reasons for placement on referendum.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.

On motion of Councillor Long, duly seconded, it was voted unanimously to receive the debt schedule submitted by Roberta Faria, entered here:

Roberta Faria, 9 Cardoza Terrace, addressed the Council regarding the proposed Boulevard Nurseries/ Tibbets Farm Sports Complex Plan, explaining that the project will be submitted to the Council minus the field house. The cost will be 9.5 million dollars. Ms. Faria reviewed the debt schedule, entered above.

Tom Welch, 536 Mitchell's Lane, noted that he thinks the plan has been misrepresented; the committee may have underestimated the maintenance costs. Mr. Welch requests that more research be done on the project.

Morris Hirsh, 42 Renfrew Park, addressed the Council noting once you have developed open land it is not easy to return the area back to open land.

15. Communication of Vincent J. Palumbo, P.E., Highway Managing Engineer, re: Reconstruction of Two Mile Corner, East Main Road, West Main Road, and Coddington Highway, Middletown, RI, - R.I.

Contract No. 93116, 2015-CH-001, R.I.F.A.P. No. AF-0138 (011), HPP-4858(001), Night work and Advance Utilities.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.

Town Administrator Shawn Brown reviewed the memorandum above. Mr. Brown noted that the tentative project start date is June 2015. The Town Administrator and Town Engineer will meet with RIDOT regarding the schedule. Mr. Brown requests Council authority to encourage night work for the project and a public meeting to be scheduled.

On motion of Vice President Sylvia, duly seconded, to authorize the Town Administrator to respond to RIDOT, promoting night time operation of the project and scheduling public meetings

Discussion centered around construction in June, the project is an 18

month project, meeting with local businesses, installation of low maintenance shrubs and the impact on local summer events.

At this time the Council voted on the above motion as follows:

it was voted unanimously to authorize the Town Administrator to respond to RIDOT, promoting night time operation of the project and scheduling public meetings.

TOWN ADMINISTRATOR

16.

Memorandum of Town Planner, thru Town Administrator, with enclosures, re: Navy surplus land (BRAC 2005) PBC application – Shoreline Park.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

Town Administrator Shawn Brown noted that the submission of the PBC application is for the Shoreline Park, which will contribute to the quality of life on the west side of Middletown.

Town Planner Ronald Wolanski reviewed the memorandum, entered above. Mr. Wolanski requested the Town Council to pass the resolution authorizing the Town Administrator to submit the application.

Councillor Adams reviewed the history of the BRAC process. Mr. Adams noted that the area will be a park in perpetuity.

Councillor President Semonelli noted that the project is tremendous.

17. Resolution of the Council, re: Navy surplus land (BRAC 2005) PBC application – Shoreline Park.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.

18. Memorandum of Will Cronin, Operations & Facility Manager thru Town Administration, with enclosures, re: Middletown Beach Commission's recommendation on an island wide beach pass.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

Town Administrator Shawn Brown reviewed the memorandum, entered above. Mr. Brown noted that the City of Newport's Beach Commission has also voted no to the request of an island wide beach

pass.

Councillor Rodrigues noted that an island wide beach pass would have a negative economic impact to the Town.

APPOINTMENT TO BOARDS AND COMMITTEES

19. Appointment of one (1) member to the Open Space and Fields Committee to complete a term expiring November 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Ian R. Clemmey to the Open Space and Fields committee to complete a term expiring November 2016.

Vice President Sylvia inquired from the Town Clerk and Town Administrator if there was any pertinent agenda items for the next

regular Council meeting or regarding the election process?

Town Clerk Wendy Marshall and Town Administrator Shawn Brown noted at this time there is no pertinent agenda items for the next regular meeting of the Council.

On motion Vice President Sylvia, duly seconded, it was voted unanimously to reschedule the Regular Council meeting set for November 17, 2014 to November 24, 2014.

Council President Semonelli noted that it has been an honor and privilege to serve the Town and residents for the past six years.

Councillor Rodrigues noted that it is always a pleasure to serve the community.

Councillor Long thanked the residents of the Town, noting he loved serving the Town for the past four years.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 7:40 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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